

or arguments to the Administrator prior to his final determination.

(iii) The Administrator shall notify the owner or operator of the smelter subject to this paragraph of his final determination within thirty (30) days after the presentation of additional information or arguments, or thirty (30) days after the final date specified for such presentation if no presentation is made. If the continued use of the supplementary control system is denied, the final determination shall set forth the specific grounds for such denial.

(16) Upon denial of the continued use of a supplementary control system pursuant to paragraph (e)(15) of this section all the requirements of paragraph (d) of this section shall be immediately applicable to the owner or operator of the Kennecott Copper Company smelter located in White Pine County, Nevada, in the Nevada Intrastate Region and compliance therewith shall be achieved in accordance with such schedule as the Administrator shall order.

(17) The owner or operator of the smelter subject to this paragraph shall be in violation of a requirement of an applicable implementation plan and subject to the penalties specified in section 113 of the Clean Air Act if:

(i) An increment of the compliance schedules set forth in paragraph (e)(14) of this section is not met by the date specified; or

(ii) The total sulfur dioxide concentration determined according to paragraph (e)(6) (i) or (iii) of this section exceeds the emission limitation set forth in paragraph (e)(4)(i)(a) of this section; or

(iii) The total sulfur dioxide emission rate determined according to paragraph (e)(6) (ii) or (iv) of this section exceeds the emission limitation set forth in paragraph (e)(4)(i)(b) of this section; or

(iv) Any National Ambient Air Quality Standards for sulfur oxides are violated in the designated liability area; or

(v) Operations of the supplementary control system are not conducted in accordance with the approved operational manual; or

(vi) Such owner or operator fails to submit any of the information required by this paragraph.

[40 FR 5511, Feb. 6, 1975, as amended at 51 FR 40676, Nov. 7, 1986]

§ 52.1476 Control strategy: Particulate matter.

(a) The requirements of subpart G of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standards for particulate matter in the Northwest Nevada and Nevada Intrastate Regions.

(b) The following rule and portions of the control strategy are disapproved since they do not provide the degree of control needed to attain and maintain the National Ambient Air Quality Standards for particulate matter.

(1) NAQR Article 7.2.7, *Particulate Matter*; Table 4.2, *Emissions Inventory Summary for Particulates* and Table 5.2, *Summary of Control Strategy Analysis for Particulates*, from the Nevada Control Strategy, submitted on October 7, 1976.

(c) The following rules are disapproved because they relax the emission limitation on particulate matter.

(1) Clark County District Board of Health, Table 27.1, (Particulate Matter from Process Matter), submitted on July 24, 1979.

(2) Nevada Air Quality Regulations, Article 4, Rule 4.34, (Visible Emission from Stationary Sources), submitted on December 29, 1978, and Rule 4.3.6, (Visible Emission from Stationary Sources), submitted on June 24, 1980.

[37 FR 10877, May 31, 1972, as amended at 45 FR 8011, Feb. 6, 1980; 46 FR 43142, Aug. 27, 1981; 51 FR 40676, Nov. 7, 1986]

§ 52.1477 Nevada air pollution emergency plan.

Section 6.1.5 of the Emergency Episode Plan submitted on December 29, 1978 is disapproved since termination of the episode is left to the discretion of the Control Officer and not specified criteria and it does not meet the requirements of 40 CFR 51.16 and Appendix L. The old rule 6.1.5 submitted on January 28, 1972 is retained.

[45 FR 46385, July 10, 1980]